

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF:	)	Docket No: SRPD 00/01 SNS-4138
	)	
SPM Polese, Inc.	)	
10103 Carrol Canyon Road	)	STIPULATION AND ORDER
San Diego, California 92131	)	
	)	
EPA ID CAR 000 007 468	)	
	)	Health and Safety Code
SPM Polese, Inc.	)	
Respondent.	)	Section 25187
_____	)	

INTRODUCTION

The State Department of Toxic Substances Control (Department) and SPM Polese, Inc. enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the draft Enforcement Order (Docket No SRPD 00/01 SNS-4138) issued by the Department on December 20, 2000.

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

4. Respondent waives any right to a hearing in this matter.

5.1. Respondent's Tiered Permitting Phase I Environmental Checklist (Checklist) concludes that their facility requires no further investigation at this time.

5.2. This Order shall constitute full settlement of the violations alleged in the draft Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

#### SCHEDULE FOR COMPLIANCE

6. Respondent submitted to the Department a completed Phase I environmental Assessment(Phase I Checklist) as specified in HSC section 25200.14 (b) on December 11, 2000.

6.1. Pollution Prevention: Respondent hereby agrees to install a Volatile Organic Compounds (VOCs) capturing system which has the efficiency to condense and remove a minimum of 90% of the VOCs at the plating station of the facility. Department shall offer to the respondent an environmental credit of \$4,000.00 towards this pollution prevention project. Respondent must submit a Certificate of Completion of the project to the Department within 185 days of the date of this Order. Respondent must also submit to the Department within 30 days upon the completion of the project, a certification from an independent laboratory certifying that the VOC capturing unit is removing a minimum of 90% of the VOCs in the air-stream being processed through the condenser, before being exhausted out of the building. If Respondent fails to submit the aforementioned Certificates as required, the penalty \$4,000, referenced in paragraph 7.2 of this Order, is due and payable within 30 days after the expiration of the 185-day period. The 185-day period

may be extended by the Department upon written request demonstrating good cause from the Respondent.

6.2. Submittals: All submittals from Respondent pursuant to this Order shall be sent to:

Yvonne Sanchez, Section Chief  
Southern California Branch  
State Regulatory Programs Division  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630-4700

6.3. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

#### PAYMENTS

7.1. Respondent shall pay to the Department a total of \$4,000.00, which is reimbursement of the Department's administrative costs by May 1, 2001. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Yvonne Sanchez, Section Chief  
Southern California Branch  
State Regulatory Programs Division  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630-4700

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

7.2. If Respondent fails to submit the certificates as required in paragraph 6.1 of this Order, a penalty of \$4,000.00 is due and payable within 30 days after the expiration of the 185-day period of submitting the certificate of satisfactory completion.

EFFECTIVE DATE

8. The effective date of this Order is the date it is signed by the Department.

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INTEGRATION

9. This agreement constitutes the entire agreement

between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: 6/18/01

(Signed Robert A. Regalia)  
Signature of Respondent's  
Representative

Dated: 6/18/01

Robert A. Regalia  
Typed or Printed Name and Title of  
Respondent's Representative

Dated: 4/30/01

(Signed Yvonne Sanchez)  
Yvonne Sanchez  
Section Chief  
Southern California Branch  
State Regulatory Programs Division